

# **THE PERMIT CENTER**

941 North Capitol Street N.E., Suite 2100 & 2300

Washington D.C. 20002

Telephone (202) 442-4470

## **PROCEDURES FOR RENTING PUBLIC SPACE FOR AN UNENCLOSED SIDEWALK CAFÉ.**

# THE PERMIT CENTER

## INFORMATION RELATIVE TO D.C. PUBLIC SPACE RENTAL ACT.

(PL. 90 - 596 OF OCTOBER 17, 1968)

Standards outlined in D.C. Regulation, Title 24. Chapter 3. Administrative Procedures for Occupying Public Space, maybe obtained at the D.C. Office of Documents, 441 4<sup>TH</sup> Street N.W. (Judiciary Square). Room 520. Telephone number (202) 727-5090.

The subject act provides that owners of business property abutting public space, in areas zoned for the proposed use, may rent so much of the surface space upon which their properties abut if the D.C. Public Space Committee determines it is not required for use by the general public.

All requests for rental of public space must be processed through the Permit Intake & Issuance Center rooms 2100 and 2300, 941 North Capitol Street N.E. Telephone (202) 442-4570.

### The following documents must accompany each rental request:

Application form BLRA - 35 in duplicate, signed by owner of the abutting property, not the owner of the abutting business.

1. Notarized copy of rental (lease) agreement if surface space is to be used by someone other than owner of abutting property.
2. One notarized copy of notice posted on building. (**See attached sample**).
3. Copy of valid occupancy permit.
4. Insurance policy (not a certificate or binder) with the exact wording of the appropriate endorsements as shown on enclosed insurance requirements.
5. One copy of a plat or drawing to scale, indicating the amount of surface space to be used. Any questions concerning the detail of the drawing should be directed to:

**Mr. ANTHONY DOWNING**  
Public Space Permits Division  
Department of Public Works  
941 North Capitol Street N.E., Room 2242  
Washington D.C. 20002  
Telephone (202) 442-4680

Once the drawing has been completed, it must be reviewed and approved by Mr. Downing. The applicant is required to make twenty (20) copies of the approved drawings for submittal to the Permit Center, Suite 2100.

7. Three 8" x 10" glossy photos of the area to be rented.
  - (1) Frontal view
  - (2) Sharp angle right side
  - (3) Sharp angle left side
8. The public space permit fee is **(\$200.00)** two hundred dollars, payable at the time of filing the application. All checks or money orders should be made payable to **AD.C. Treasurer.**

### **SPECIAL NOTES FOR PUBLIC SPACE RENTAL APPLICANTS.**

11. All plans filed for public space rental should be designed in accordance to the guidelines and standards posted in the D.C. Register, dated August 26, 1983.
2. If the space to be leased is determined to be in an area subject to the review of the Fine Arts Commission (Old Georgetown Act, or the Shipstead- Luce Act), or the Historic Preservation Act, the applicant is required to make submittal through the Permit Center, Suite 2100, prior to submitting the public space rental package to the Public Space Hearing Committee for review and approval. It can be determined at the time the applicant picks up the public space rental information package if the area is subject to Fine Arts, or Historic Preservation Review. The applicant must be able to provide the proper lot and square number of the abutting property. If the proposed rental area is subject to review by the Fine Arts Commission, or the Historic Preservation Board, no further action will be taken on the public space rental submission until approvals from the affected review group have been received in the Permit Center.
3. The rental fee shall be determined by the Director of Finance and Revenue and will be based on a percentage of the assessed value of the equivalent area of the privately owned space immediately abutting the space to be utilized. Public space rental fees are as follows:
  1. Unenclosed sidewalk cafes: five dollars (\$5.00) per square foot of public space to be used.
  2. Enclosed sidewalk cafes: ten dollars (\$10.00) per square foot of public space to be used.
  3. Tables and chairs in public space , no fee.

- a. Display and sale of merchandise: Four (4%) percent of the assessed value of an equivalent area of the privately owned space immediately abutting the space to be utilized.
4. Parking of motor vehicles in public space - seven (7%) percent of the assessed value of an equivalent area of the privately owned space immediately abutting the space to be utilized.

Should you require additional information or assistance in preparing your application, please contact the Permit Center, 941 North Capitol Street, Suite 2100, telephone(202) 442-4470 between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.

# Government of the District of Columbia

## Public Space Committee Committee Policy Directive 86 - 1

**Re:** Procedures for the review and approval of requests to place tables and chairs on public space other than those requests that are processed under the sidewalk café regulations.

This committee Directive sets forth procedure for processing requests to place tables and chairs on public space, when the primary purpose is to provide table service to the general public, rather than for private gain and, for establishing conditions that must be met in order to obtain approval. These procedures insure that the appropriate Departments and Offices will provide timely review and comment on the application.

1. Upon receipt of an application and copies of the plan, the Executive Secretary of the Public Space Committee will forward one (1) copy of the plan and application to the following Departments and Offices, for their review and comments:
  - (1) The affected Advisory Neighborhood Commission.
  - (2) The owner or occupants of the adjacent property.
  - (3) The Office of Planning.
  - (4) The Department of Public Works:
    - (1) The Office of Policy and Planning, will offer comments as to whether or not a proposal conflicts with the downtown street scape guidelines.
    - (2) Transportation systems administration, will offer comments on whether the proposal creates any adverse conflicts with pedestrian traffic.
    - (3) Public Space Maintenance Administration, will make the necessary field inspection, to verify the accuracy of the plan and comment on the available public space and the type of businesses adjacent to the requested location.
    - (4) Office of Mass Transit (if the proposal is within fifteen (15) feet of a metrobus stop, bus shelter or metrorail).
2. The Public Space Committee will consider authorizing the use of public space without cost, if the following conditions are met.
  - (1) Application must demonstrate that the primary purpose is for the public good rather than private gain.
  - (2) That the general public is authorized the unrestricted use of the tables and chairs placed on public space.
  - (3) That there is no table service provided either in the adjacent business or at the tables placed on public space.

- (4) That no fencing or railing is placed around the tabled area so as to identify it as specifically belonging to the applicant's place of business or to restrict access to it.
  - (5) That a ten (10) foot clear pedestrian walkway will be maintained between the curb line and the table and the tables and chairs.
  - (6) That the equipment placed on public space be removed daily, and remains in place for no more than five (5) hours each day.
  - (7) That the area in front of the business is maintained free of litter, from the building to the curb line.
  - (8) That a liability insurance policy is provided, with the same liability insurance coverage required by the Sidewalk Café regulation.
  - (9) That the permit is renewed annually so that proper controls and complaints may be monitored, in order to avoid nuisance conditions, and is subject to interim revocation if nuisance accrue.
  - (10) That the permit becomes void if at any time the applicant's establishment changes to allow table service.
3. The Executive Secretary will allow the various agencies, Offices and Departments thirty (30) days from receipt of the notice to respond. If no comments are received from a particular Agency, then it will be assumed that there is no objection.
  4. Within forty-five (45) days of receipt of the application, the Executive Secretary, shall assemble the comments and prepare a report and recommendation to the Public Space Committee, including comments from the Advisory Neighborhood Commission.
  5. This directive shall be effective immediately.

# NOTICE

AN APPLICATION TO OCCUPY PUBLIC SPACE HAS BEEN PLACED ON FILE WITH THE CHIEF OF THE PERMIT CENTER, PERMIT PROCESSING DIVISION. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS, BUILDING AND LAND REGULATION ADMINISTRATION, 941 NORTH CAPITOL STREET, N.E., SUITE 2100, WASHINGTON, D.C. 20002 (TELEPHONE # (202) 442-4470).

THE APPLICATION REQUESTS AUTHORIZATION TO OCCUPY PUBLIC SPACE FOR:

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Date of the Application: \_\_\_\_\_

Address of Adjacent Premises: \_\_\_\_\_

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WASHINGTON, D.C.

LOCATED IN THE AREA OF ADVISORY NEIGHBORHOOD COMMISSION A.N.C.

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Applicant:

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Applicant's

Telephone

No.:

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Architect:

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Architect's

Tel.

No.:

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
BUILDING AND LAND REGULATION ADMINISTRATION

THE PERMIT CENTER

INSURANCE REQUIREMENTS

It is required that you furnish a public liability insurance policy made out in the name of, and for the sole benefit of the *DISTRICT OF COLUMBIA, A MUNICIPAL CORPORATION*, and its officers and employees, covering all use of public space by the permittee.

Coverage shall be in the following amounts:

\$ 500,000.00	Each individual
\$1,000,000.00	Each accident
\$ 500,000.00	Property damage

The following endorsement are required, and must be included in all insurance policies covering occupation of the public space.

1. DESCRIPTION OF PREMISES COVERED

The following description of public space is to be included in the policy, Also much of the public space adjacent or contiguous A to Lot \_\_\_\_\_, Square \_\_\_\_\_, otherwise known as premises \_\_\_\_\_, for a/an \_\_\_\_\_ as public space is described in a certain permit issued by the District of Columbia.@

2. DEFINITION EXTENSIONS

It is hereby understood and agreed that the definition of AHazards= (Premises-Operations)@, and the definition of Apremises@, as used in this policy, are extended to include the following:

AAll liability arising from operation conducted in or on the described premises@

**C. GOVERNMENT IMMUNITY ENDORSEMENT**

In consideration of the premium charges at which this policy is written, one company agrees that, in any suit or suits that may be brought against one name insured arising out of any accident covered hereby, the company will not plead the defense that the insured was exercising or had available to it one defense of governmental function, unless the insured shall have in writing directed the company to plead such defense in which event the company will so plead and will defend on such grounds.®

**4. CANCELLATION CLAUSE**

^This policy may be canceled by the company by-written notice mailed to the name insured - **The DISTRICT OF COLUMBIA**, Department of Consumer and Regulatory Affairs, at the Permit Center, 941 North Capitol Street, N.E., Suite 2100, Washington, D.C. 20002, Attention: Chief, stating when (not less than thirty (30) days after receipt of such written notice by said Chief), such cancellations shall be effective.®